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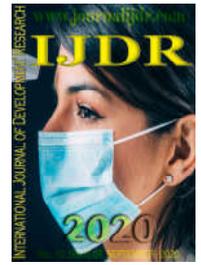
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THE BANALITY OF EVIL OF DOMESTIC ABUSERS IN THE CITY OF CASTANHAL-PA

^{*1}Danyllo Pompeu Colares, ²Silvia dos Santos de Almeida and ³Andréa Bittencourt Pires Chaves

¹Master's student at the Postgraduate Program in Public Security at the Federal University of Pará, city of Belém, state of Pará, Brazil; ²Permanent Prof. Dr. at the Postgraduate Program in Public Security at the Federal University of Pará, city of Belém, state of Pará, Brazil; ³Permanent Prof. Dr. at the Postgraduate Program in Public Security at the Federal University of Pará, city of Belém, state of Pará, Brazil

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*Corresponding author:

Danyllo Pompeu Colares

ABSTRACT

This paper analyzed criminal charges filed by the Public Prosecutor's Office against domestic abusers in the city of Castanhal, state of Pará, Brazil, in the years of 2017 and 2018, specifying recidivism as a factor to confirm if domestic abusers had committed any previous criminal offenses. We adopted the concepts of Pierre Bourdieu and Hannah Arendt and their implications in the conduct of abusers to demonstrate the banality of such conduct, in the sense that they are not demonic creatures or hardened criminals. In this work, we managed to prove that most domestic abusers did not have prior criminal records, nor were they a danger to public safety; they were normal, banal men.

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INTRODUCTION

According to the United Nations (UN), domestic and family violence against women has reached "epidemic levels, continues to grow, and its combat is a recommendation to achieve one of the development goals for the millennium" (PALHONI; AMARAL; PENNA, 2014, p.16). We can thus realize the importance and relevance of studying such a theme from a warning by the UN stressing the need to combat violence against women so that, above all, their human rights are protected. As Dias (2019) noted, the case of Maria da Penha was widely publicized and emblematic in the history of the struggle for protection of women who fall victim to gender violence in Brazil. Maria da Penha Maia Fernandes was married to a professor and economist who tried to kill her in two occasions. The abuser was tried and convicted in Brazil, but he was to be arrested only 19 years and 6 months after the first attempted murder. The indifference and negligence of the State in the case of Maria da Penha resulted in the imposition of international sanctions and recommendations on Brazil by the Organization of American States (OAS).

Among the measures adopted by Brazil to abide by the OAS recommendations was the publication of Law 11,340/06, aimed at repressing and preventing domestic and family violence against women. According to this piece of legislation, in the cases of domestic and family violence against women, the Public Prosecutor's Office (PPO) was granted legitimacy to act in legal proceedings that deal with domestic and family violence against women, being responsible for the criminal prosecution of the domestic abuser (BRASIL, 2006). Both the Civil Police Department (CPD) and the PPO can investigate acts of gender-related domestic violence against women. However, only the PPO can criminally prosecute a domestic abuser within the Judiciary Branch, as the CPD only detains investigative powers. The PPO initiates legal prosecution of abusers by filing a piece titled "information", by which an accusation is formalized against the domestic abuser due to gender-related acts against women. The city of Castanhal, located in the state of Pará, Brazil, is 68km away from the capital Belém and has a population of 200,000; it is the fifth most populated city in the state (IBGE, 2019). It was selected for this study because one of the authors works in the Public

Prosecutor's Office of Castanhal, what facilitated access to research data.

Symbolic Violence and the Banality of Evil: As Lima; Buchele (2011) teach, it is important to disseminate the idea that violence which takes place mostly within a family, therefore private, environment should not be limited to said environment. Extramural environments involved in cases of violence against women are significant in understanding the phenomenon of family and domestic violence against women. One of the aspects which help us acknowledge the cultural domination of men over women is the existence of a latent symbolic violence (BOURDIEU, 2019), many times employed by abusers as an excuse for committing domestic violence (SILVA; BARBOSA, 2018). Bourdieu (2019) writes that within social relationships it is possible to observe the occurrence of symbolic violence, a type of violence that is milder than physical violence and which we don't see because it is inserted in our categories of comprehension, the way in which we perceive the world. Violence in the symbolic field tries to legitimate the violence that takes place every day and which we clearly see in cases of domestic violence. By declaring that symbolic violence is softer, imperceptible, not seen by the naked eye at first glance, Bourdieu (2019) analyses the androcentric view that dominates men-women relationships in public and private settings; furthermore, the French sociologist teaches how violence in the symbolic field ends up legitimizing violence against women in day-to-day practices. The aspect of the cycle of violence practiced by an abuser against a female victim is a direct reflex of male domination and represents its greater example.

The matter of symbolic violence attempting to legitimize everyday violence is the result of a predominant *habitus* in our society, as the French sociologist sees it. *Habitus* is our interiorization of social structures. In cases of domestic violence, we say that abusers have an androcentric view of customs, social practices, and relationships between men and women, an interpretation of reality which is dominant in our society (BOURDIEU, 2019). Domestic abusers reproduce in their relationships with women sexist behaviors of all sorts, as a way of self-affirming their values which were passed on to them by society, as they don't have the cognitive conditions to see it. For this purpose of understanding the matter of violence, centered in the image of the abuser and his recidivism in these crimes, we employed the concept of banality of evil, created by German philosopher Hannah Arendt, whose main argument is that the banality of evil prevents the agent from thinking, from reflecting on his actions, thus keeping him from acknowledging the criminal, illegal or immoral character of his conduct (ARENDR, 1999). Arendt (1999) was a correspondent for *The New Yorker* following the 1961 Israeli trial of Adolf Eichmann, who oversaw logistic operations in Nazi Germany. She reasoned that the German national was incapable of thinking, of reflecting on his criminal acts, merely reproducing socially acceptable behavior and being faithful and obedient to the orders of his superiors, without ever questioning the illicitness of such orders. Domestic abusers, similarly to Eichmann, do not reflect on their actions, do not think on the role of women in society; therefore, they cannot perceive gender equality because of the *habitus* they carry, which prevents them from seeing gender relations in any other way. Domestic and family abusers repeat and reproduce social behaviors to which they were exposed throughout their lives, through unconscious mechanisms, which in its turn engenders

the reproduction of socially practiced and accepted androcentric behaviors that have been unconsciously internalized by the abusers.

MATERIAL AND METHODS

Considering the theme for this project, research was quantitative in nature, and methodology consisted of analyzing data from the Prosecution Office for Family and Domestic Violence Against Women at Castanhal for the years of 2017 and 2018. Data were collected from the Information System of the Public Prosecutor's Office of Pará (SIMP) and compared to the Judicial Cases Management System (LIBRA), which is used by the Appellate Court of the State Pará (TJPA). Thusly, we analyzed the matter of recidivism of domestic abusers, coupled with a careful bibliographical analysis of the subject matter. Initially, we catalogued all 846 pieces of information from the timeframe, identifying all abusers through SIMP. Next, we searched the LIBRA system from TJPA to identify which and how many of the abusers had already been criminally charged for abuse against women, not necessarily the same victims; and, later, which of these abusers had answered for any crimes other than family and domestic abuse against women. Data are presented through descriptive statistics via tables and graphs (BUSSAB, MORETTIN, 2001) which were later compared to the literature. Upon analysis of abuser recidivism, the pieces of information were grouped by year with the respective number of repeat offenders. Next, we separated cases of specific recidivism of gender violence from cases of a diverse nature. Lastly, we presented an overview of recidivism in defendants charged in the years of 2017 and 2018.

RESULTS/DISCUSSIONS

From Table 1, we see that most domestic abusers charged by the Prosecution Office for Family and Domestic Violence Against Women at Castanhal had never previously answered for any crimes. In 2017, from a total of 260 charges, in 67 of them (25.77%) the defendants had been previously prosecuted for a crime. In 2018, from a total of 586 defendants, 84 (14.33%) had a criminal background. Amidst a global epidemic of domestic violence, as reported by the UN, the data we presented show that criminal recidivism in domestic abusers is small.

Table 1. Amount and percentage of charges by the Prosecution Office for Family and Domestic Violence Against Women at Castanhal, in the years of 2017 and 2018, by recidivism

Recidivism	2017		2018	
	Amt.	%	Amt.	%
No	193	74.23	502	85.67
Yes	67	25.77	84	14.33
Total	260	100.00	586	100.00

Source: The authors, from SIMP data, May/2019.

Analyzing Table 2, we notice that, by grouping the 'recidivism' variable under the specific optics of previous family and domestic violence, repeat offenses are further reduced. This proves our previous statement of most charges for crimes of domestic violence against women being practiced by regular people, with no prior criminal background. For both 2017 and 2018, we notice that the number of specific recidivism in crimes of family and domestic violence against

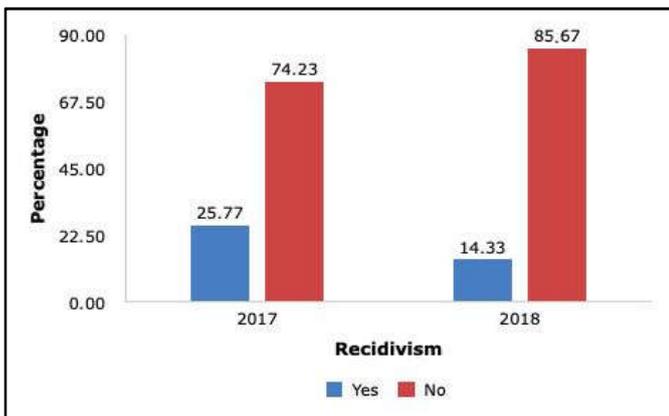
women is smaller than the number of repeat offenders charged with crimes of a different nature. It is precisely in this aspect that the banality of evil (ARENDR, 1999) receives the connotation of this work, upon analysis of data regarding abusers who were charged.

Table 2. Amount and percentage of charges by the Prosecution Office for Family and Domestic Violence Against Women at Castanhal, in the years of 2017 and 2018, by domestic crimes and other crimes

Recidivism	2017		2018	
	Amt.	%	Amt.	%
Family and domestic violence	30	44.78	36	42.86
Other crimes	37	55.22	48	57.14
Total	67	100.00	84	100.00

Source: The authors, from SIMP data (2019).

Therefore, we see that, from the total of charges by the Public Prosecutor's Office of Pará against family and domestic abusers in 2017, 74.23% of such charges are related to individuals who had never committed any crimes. In 2018, the percentage of individuals in that category increased to 85.67%. The banality of evil in domestic abusers is thusly confirmed by the numbers, which, again, are official data pertaining the city of Castanhal-PA, Brazil, for the years of 2017 and 2018.



Source: The authors, from SIMP data (2019).

Figure 1. Percentage of charges by the Prosecution Office for Family and Domestic Violence Against Women at Castanhal, in the years of 2017 and 2018, by recidivism

On the other hand, analyzing collected data and considering the percentage of repeat offenders in cases of family and domestic violence against women, we notice the importance of the disposition from the Maria da Penha Act which establishes mandatory attendance by the abuser in programs of recovery and reeducation (Article 45 from Law 11,340/06), as well as, and mainly, the obligation of the Government in developing public policies aimed at securing the human rights of women in regard to family and domestic relations (Article 3, Paragraph 1 from Law 11,340/06), with the primary purpose of avoiding recidivism. These provisions can help change the dominant mentality of abusers regarding matters of gender. The lectures, courses, and government programs aimed not only at them, but at society at large, discussing gender equality, respect, and understating of the peculiarities of women, among other themes, can serve as an instrument to combat symbolic violence in society.

Conclusion: This paper defends that a comparison between legal and sociological aspects of family and domestic violence against women is of paramount importance for a better

understanding of the theme with the purpose of confronting this specific type of gender violence. The aspect of abuser recidivism was analyzed with special attention in this work so to provide concrete subsidies to the adopted theories. As to repeat offenses from domestic and family abusers of women, the Maria da Penha Act itself presents mechanisms and instruments addressed to the abuser, seeking to prevent new acts of gender violence against women. For them to be effective, both the State and society as a whole need to collaborate. The cultural matters of patriarchy, sexism, and gender violence are a reality in both public and private relationships between men and women in Brazil. This enables, among other issues, for men to have a dominant role over women in such a way as to objectify them, to treat them as property, socially inferior to men and, therefore, subject to their control. Bringing the teachings of Arendt (1999) and Bourdieu (2019) into the matter of domestic abusers charged by the Public Prosecutor's Office in the city of Castanhal-PA, we understand that these abusers are not capable of thinking, of reflecting on their criminal conduct, as they carry a social view of women that seems natural to them, where the female is inferior and submissive to the male. And the fact that the vast majority of domestic abusers criminally charged in the city of Castanhal-PA, between 2017 and 2018, had never committed a crime before their prosecution for crimes of family and domestic violence against women, shows that they are not hardened criminals, dangerous or threatening to other people; they are normal, banal people.

Our study does not lend itself to exempting family and domestic abusers from responsibility. However, it tries to better understand the phenomenon of family and domestic violence against women from the perspective of analyzing abusers in order to develop public policies aimed at changing the way society views and reproduces behaviors based on the supposed subservience of the female to the male. There are other forms of gender violence; however, in this paper we chose to focus on family and domestic violence against women. Certain relationships, due to peculiar dynamics such as jealousy, (in)existence of mutual respect, economic condition of the couple, among others, can propitiate or favor the adoption of a violent attitude by the abuser towards the female victim. It is not the objective of this study to examine these characteristics; at this moment, it is imperative just to highlight that not every relationship in which the domestic abuser gets involved will necessarily result in violent practices. The concept of male domination (BOURDIEU, 1999) helps to explain crimes of family and domestic violence against women based on cultural factors, but it does not imply that all the abuser's relationships will necessarily be violent. In this sense, the data collected in 2017-2018 prove the banality of evil of family and domestic abusers charged by the Public Prosecutor's Office. In this work, we studied the sociological factors connected to family and domestic abusers of women which lead them to act in a violent manner towards women from their affective and family life in the municipality of Castanhal-PA, highlighting that the majority of abusers charged by the Public Prosecutor's Office, between 2017 and 2018, had never been prosecuted for the practice of any crime, whatever its nature. The importance of studying the theme lies in the fact that it may result in the creation of public policies capable of providing effectiveness to the Maria da Penha Act, aiming to fight the practice of crimes of family and domestic violence against women on the basis of gender.

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